

**VETERINARY EXAMINING BOARD
MINUTES
FEBRUARY 8, 2012**

- PRESENT:** Wesley Elford, D.V.M.; Marthina Greer, D.V.M.; Brenda Nemec, C.V.T.; William Rice, D.V.M.; Sheldon Schall (arrived at 9:47 a.m.); Robert R. Spencer, D.V.M.; Theresa Waage; Neil Wiseley, D.V.M.
- STAFF:** Tom Ryan, Executive Director; Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; and other Department Staff
- GUESTS:** Yvonne Bellay, Department of Agriculture, Trade and Consumer Protection (DATCP); Kim Brown Pokorny and Bob Klosterman, Wisconsin Veterinary Medical Association (WVMA); Laurie Angell, WVTa

CALL TO ORDER

Robert Spencer, Chair, called the meeting to order at 9:30 a.m. A quorum of seven (7) members was present.

ADOPTION OF AGENDA

Amendments:

- Item E (open session) - Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement – add:
 - 4) 006 VET 027 and 06 VET 036 – John Palarski, DVM
 - a) Attorney Pamela Stach
 - b) Case Advisor (none)
 - 5) 10 VET 001 – Janeen M. Smith, DVM
 - a) Attorney Pamela Stach
 - b) Case Advisor William Rice
- F7a (open session) - Five Year Revisions Draft – is removed from the agenda
- Item F7b (open session) – Administrative Rules Scope Statements – insert additional information after page 66
- Item J (closed session) - Deliberation of Proposed Stipulations, Final Decisions and Orders Including Any Received After Printing of the Agenda - add:
 - 4) 006 VET 027 and 06 VET 036 – John Palarski, DVM
 - a) Attorney Pamela Stach
 - b) Case Advisor (none)
 - 5) 10 VET 001 – Janeen M. Smith, DVM
 - a) Attorney Pamela Stach
 - b) Case Advisor William Rice

- Item K(closed session) - Deliberation of Proposed Administrative Warnings Including Any Received After Printing of the Agenda - add:
 - 2) 11 VET 002 (D.D.W., DVM)
 - a) Attorney Susan Gu
- Item O-13 – Application Issues – add:
 - a) Application Review – Mitchell Robbins, DVM
- Case Status Report – insert at the end of closed session

MOTION: William Rice moved, seconded by Wesley Elford, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 19, 2011

MOTION: Wesley Elford moved, seconded by Neil Wiseley, to approve the minutes of October 19, 2011 as written. Motion carried unanimously.

SECRETARY MATTERS

There were no issues to discuss.

BUREAU DIRECTOR MATTERS

Annual Policy Review and Board Member Guidebook

Tom Ryan reviewed the Department policies with the Board. Board members were asked to complete and return the signature page.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF ENFORCEMENT INCLUDING ANY RECEIVED AFTER PRINTING OF THE AGENDA

DOE staff presented the following:

06 VET 027 and 06 VET 036 – John Palarski, DVM
10 VET 001 – Janeen M. Smith, DVM

These matters will be deliberated in closed session.

BOARD DISCUSSION ITEMS INCLUDING ANY RECEIVED AFTER PRINTING OF AGENDA

Review of PDMP Draft Rules and Consideration of Board Representative to Testify at the Public Hearing

Chad Zadrazil appeared before the Board and reviewed the draft PDMP rule. Board members expressed concerns about the financial impact this rule will have on veterinary practices.

MOTION: Neil Wiseley moved, seconded by William Rice, to authorize Wesley Elford to testify on behalf of the Board at the Pharmacy Examining Board public hearing on the proposed rules relating to a prescription drug monitoring program to be held on February 27, 2012. Motion carried unanimously.

Chad Zadrazil informed the Board that after the public hearing, the Pharmacy Examining Board will review the Legislative Clearinghouse report and public comments and consider revisions to the proposed rule and will submit a final draft to the legislature.

AAVSB Matters:

Candidate Nomination for Upcoming Open AAVSB Positions

Marthina Greer spoke in favor of having a Board member attend as this is a valuable meeting.

MOTION: Wesley Elford moved, seconded by Brenda Nemec, to appoint Neil Wiseley as the Board's delegate at the AAVSB Annual Conference to be held September 13-15, 2012 in Seattle, Washington, and to authorize Robert Spencer to appoint an alternate delegate if Dr. Wiseley is unable to attend. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by William Rice, to authorize Marthina Greer to apply for a vacant position on the AAVSB Board of Directors, or alternatively apply for a vacant position as an AAVSB representative to the NBVME, provided appointment to either is in accordance with State law. Motion carried unanimously.

Division of Enforcement Matters – None

Education and Examination Issues Matters – None

Credentialing Matters – None

Practice Questions/Issues - None

Legislation/Administrative Rules Matters:

Administrative Rules Scope Statements

Lydia Thompson presented scope statements to the Board. Paralegal Sharon Henes reviewed the process for the submission and approval of scope statements and rule writing.

MOTION: Wesley Elford moved, seconded by Brenda Nemec, to approve the scope statement relating to Section VE 1.02. Motion carried unanimously.

MOTION: William Rice moved, seconded by Sheldon Schall, to approve the scope statement relating to Sections VE 10.04, 10.02(1)(a)1., 10.02(2)(a)1., 7.06(22) and 9.05(12). Motion carried unanimously.

MOTION: William Rice moved, seconded by Marthina Greer, to approve the scope statement relating to Sections VE 2, 3, 4, 5 and 6 with the amended language. Motion carried unanimously.

MOTION: Marthina Greer moved, seconded by Neil Wiseley, to approve the scope statement relating to Sections VE 1.02, 7, 8 and 9 with the amended language. Motion carried unanimously.

MOTION: Marthina Greer moved, seconded by Sheldon Schall, to authorize William Rice to approve the scope statements after publication. Motion carried unanimously.

Liaison Reports

Liaison assignments were reviewed. There were no reports.

Speaking Engagement, Travel, Public Relation Requests – None.

INFORMATIONAL ITEMS

There were no informational items.

PUBLIC COMMENTS

Kim Brown Pokorny, WVMA, worked closely with DSPS executive staff regarding unlicensed practice. There have been staff changes since that time, and Tom Ryan will follow up on this issue. Ms. Pokorny also expressed the WVMA has significant concerns with the PDMP rule as it relates to the practice of veterinary medicine and the economic impact on veterinary practices.

CLOSED SESSION

MOTION: Robert Spencer moved, seconded by Theresa Waage, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll Call Vote: Wesley Elford-yes; Marthina Greer-yes; Brenda Nemec-yes; William Rice-yes; Sheldon Schall-yes; Robert Spencer-yes; Theresa Waage-yes; and Neil Wiseley-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:10 a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY
FOLLOWING CLOSED SESSION**

MOTION: Wesley Elford moved, seconded by William Rice, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 2:01 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF
VOTING IS APPROPRIATE**

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS INCLUDING ANY RECEIVED AFTER PRINTING OF THE AGENDA**

MOTION: William Rice moved, seconded by Theresa Waage, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Jill K. Kusba, DVM. (06 VET 038)**. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by Neil Wiseley to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Pamela C. Ogden, DVM. (10 VET 011)**. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by Theresa Waage to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Lynda L. Ludwig, DVM. (10 VET 022)**. Motion carried unanimously.

MOTION: William Rice moved, seconded by Brenda Nemec to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order to dismiss the disciplinary proceedings against **John Palarski, DVM. (06 VET 027 and 06 VET 036)**. Motion carried unanimously.

MOTION: Marthina Greer moved, seconded by Wesley Elford to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Janeen M. Smith, DVM. (10 VET 001)**. Motion carried unanimously.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS INCLUDING ANY
RECEIVED AFTER PRINTING OF THE AGENDA**

MOTION: Neil Wiseley moved, seconded by Sheldon Schall, to issue an administrative warning in the matter of case **10 VET 045 (K.A.C., DVM)**. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by Theresa Waage, to issue an administrative warning in the matter of case **11 VET 022 (D.D.W., DVM.)**. Motion carried unanimously.

**CONSIDERATION OF REQUEST(S) FOR WIAVER/EXTENSION OF TIME FOR
COMPLETION OF CE REQUIREMENTS**

MOTION: Wesley Elford moved, seconded by Theresa Waage, to require **J.T.H, DVM**, to complete 30 CE credits by July 31, 2012. Failure to complete the 30 CE credits by that date will result in the license becoming inactive (non-renewed). Motion carried unanimously.

MONITORING

MOTION: Wesley Elford moved, seconded by Theresa Waage, to remove the suspension of license for **Esta L. Parrish, DVM**, and to require Dr. Parrish to comply with all requirements of the original Order dated August 31, 2011. Motion carried. Marthina Greer abstained.

APPLICATION REVIEW(S)

MOTION: Wesley Elford moved, seconded by William Rice, to approve the application of **Mitchell Robbins, DVM**, for licensure when all requirements are met. Motion carried unanimously.

CASE CLOSINGS

MOTION: Sheldon Schall moved, seconded by Marthina Greer, to close case **11 VET 027 for no violation**. Motion carried unanimously.

OTHER BOARD BUSINESS

Sheldon Schall and the other Board members discussed proposed Federal Rule 1406 relating to requiring veterinarians to provide prescriptions to clients who want the prescription filled at another provider.

ADJOURNMENT

MOTION: Sheldon Schall moved, seconded by Theresa Waage, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:23 p.m.